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THE MUNICIPALITIES INDEMNITY ACT 1852.
WHENCE did it spring? Who framed it? What is its pedigree? Speculation, conjecture, surmise—are all at fault. Examine it what way you will, it is a phenomenon. No statute-book contains its like. No Legislature ever yet made the acquaintance of its fellow. The Ministry undoubtedly, individually and collectively, are equal to its conception, but who, we ask, put it into words? Was it the Attorney-General? Was it the Secretary for Lands? Was it the Mayor of Good Dug? Was it the Executive Council at the Emu? Was it Ben James? Was it ———— But why pursue this strain of useless interrogation? There it is—handle it, turn it round, look it in the face—is there anything that indicates its origin?

It is impudent injustice—its insolent overruling of constitutional principle—are thoroughly ministerial; but its gross ignorance sinks even beneath the standard of the Cabinet. For the first time, so far as we are aware, is the attempt now made by a Government, to induce a Legislature to overrule the decision of a judicial tribunal. "There is no liberty," says Montesquieu, "if the judiciary power be not separated from the legislative and executive powers." The British Constitution, the American Constitution, the Constitution of every civilized State, recognises this principle as clear, undoubted, axiomatic, incontrovertible. The Legislature is the supreme power to make and unmake laws—the judicial tribunals are the supreme interpreters of the laws—and the Executive is the appropriate authority to see them carried into effect. We should have thought, that in a British colony, an attempt to violate this principle would have been impossible. But we now see, that there is no length to which the unscrupulous faction now in office, is not prepared to go, to preserve the good will, even of the lowest of their supporters.

In the recent action brought by Mr. Berry against Graham and another—the one representing himself as the mayor, and the other as the holder of the municipality of Nowra and Good Dug, the Supreme Court decided two things:—first, that by law, it was not competent for the Government to incorporate a town and a rural district together; and, secondly, that the limits of any municipality could not be extended so as to include lands, in respect of which no application to incorporate had been regularly made. The object of the proposed Act is to declare such judgment of the Supreme Court to be erroneous. The preamble of the bill which is to accomplish this most extraordinary object, after reciting the incorporation of municipalities, and the mode of their extension, and the fact that one and partly of the other, sets forth the falsehood that "doubts have been raised as to the legality of the constitution" of certain of such municipalities, and as to the legality of the proclamations constituting the same—the fact being, as already stated, that the Supreme Court beyond all doubt, has authoritatively decided as to the illegality in question. It is then stated that it is expedient "to remove all such doubts," and section the first, enacts that "every proclamation issued before the passing of this Act otherwise duly made and published, constituting and incorporating any municipality under the said Act, was and shall be deemed to be valid."

What is the meaning of "otherwise"? What are the circumstances of real or supposed invalidity which it is intended to declare of no avail? We can see from the preamble that it is intended to reverse a judgment of the Supreme Court, but clearly the ability of the framers of this clause "does not correspond with its intentions." "No contract," says the second section, "entered into and no assessment made and no rate imposed or levied and no other act done, if the same respectively shall have been entered into, made, imposed, levied or done before the passing of this Act, shall be deemed to be void, or to be illegal or void, by reason of such municipality having included more than one city town hamlet or rural district, or any portion thereof respectively; but all such contracts and rates may be enforced and all such contracts and assessments made and acts whatsoever, are hereby ratified and declared valid, and every member or officer thereof, and every other person acting under their or his authority therein, shall be and is hereby indemnified in respect thereof."

It is hereby declared that the foregoing enactments are in accordance with the true and proper construction of the said Act. [The Supreme Court having said otherwise, this, of course, is a direct overruling of that tribunal.] And that such proclamations, and every other act done, if the same respectively shall have been entered into, made, imposed, levied or done before the passing of this Act, shall be deemed to be void, or to be illegal or void, by reason of such municipality having included more than one city town hamlet or rural district, or any portion thereof respectively; but all such contracts and rates may be enforced and all such contracts and assessments made and acts whatsoever, are hereby ratified and declared valid, and every member or officer thereof, and every other person acting under their or his authority therein, shall be and is hereby indemnified in respect thereof."

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every kind of eminence to the lowest level, is regarded as the most valued and distinguished achievement of a politician; but he has not hesitated hitherto to act the part of a humble, tractable, and consistent follower, when he should have led, checked, and in some instances, summarily contradicted. From him we can look for no bold, manly, or decisive course, but from the Legislative Council, where we would find hope, frankness is not yet all-prevailing, we do expect that a stand will be made on this occasion, and that, by a decisive vote, the country will be saved from the deep and damning humiliation, of having this most infamous, ignorant, and contemptible bill read a second time.

CHURCH AND SCHOOL LANDS.
THE following is a copy of the despatch seeking instruction upon the subject of the Church and School Lands, transmitted by his Excellency Sir John Young to his Grace the Duke of Newcastle, and referred to in our parliamentary report.

No. 72. Government House, Sydney, 21st September, 1861.
My Lord Duke.—I have the honour of enclosing for your Grace's consideration a copy of a despatch from the Secretary of State, in relation to the Church and School Lands, transmitted by his Excellency Sir John Young to his Grace the Duke of Newcastle, and referred to in our parliamentary report.

It contains resolutions which raise questions difficult and embarrassing, more than one point of view, and I request that I may be favoured by your Grace's instructions, as to the course which I am to pursue.

I have also to state that the last four days of my stay in the colony have been spent in paying the stipends of dignitaries and of the clergy, to support schools and schoolmasters, to provide glebe, to erect churches, and a royal charter of incorporation of the Church and School Lands, transmitted by his Excellency Sir John Young to his Grace the Duke of Newcastle, and referred to in our parliamentary report.

The three Judges of the Supreme Court in Sydney had pronounced their opinion that the Crown had the power of dividing and putting an end to the Corporation, but that the lands granted continued liable to the provisions of the original charter. For instance, the opinion of the Judges in the colony was, as appears from Lord Russell's despatch of 20th October, 1859, confirmed by that of the late officers of the Crown in the colony, that the lands granted were to be held in fee simple, and that the Corporation had no power to alienate them.

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THE CATTLE DISEASE.
MR. BRUCE addressed the following letter to the Minister of Lands:
Two Mile Creek, 20th May, 1862.
Sir,—I have the honour to report that in the absence of other persons, I have lately been making extensive inquiries into the nature of the disease which has been spreading in the cattle belonging to Messrs. Purcell and Vardy, of Two Mile Creek, New South Wales.

Within the last fortnight I have operated upon some 250 head of these cattle, about thirty of which were decidedly diseased, and a few more in the early stages of the disease. I have also examined the carcasses of several of the diseased cattle, and have found that the disease is of a very peculiar nature, and is not the same as the disease which has been spreading in the cattle belonging to Messrs. Purcell and Vardy, of Two Mile Creek, New South Wales.

I have also to state that the last four days of my stay in the colony have been spent in paying the stipends of dignitaries and of the clergy, to support schools and schoolmasters, to provide glebe, to erect churches, and a royal charter of incorporation of the Church and School Lands, transmitted by his Excellency Sir John Young to his Grace the Duke of Newcastle, and referred to in our parliamentary report.

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THE LACHLAN.
A CORRESPONDENT writes that he has just returned to Barrington, from a visit of inspection to the Lachlan, writes thus, on the 30th ultimo:—
There is no doubt about the Lachlan being the richest gold-field in New South Wales, and that most fabulous fortunes have been realised in a few days by some of the more fortunate miners. The bulk of the gold has been got from the claims on what they call the South lead, which now number seventy-eight, and of which only a few are now being worked. The yield is enormous, varying from four to fifteen ounces to the load of earth.

Most of the miners are now what they call "padding" the washing stuff, and have been for some time, which will account for the smallness of the recent returns. Their object is to work out all the washing stuff while the dry weather continues, as they have a great deal of water to get out of the shafts, and which they require a great supply of water for washing purposes, which, at present, is far from plentiful. I saw many puddles of washing stuff, holding from 400 to 600 loads, which will average from five to seven ounces to the load, so you can judge of the richness of these claims.

The following are a few of the figures which I obtained from a person I know well, and who gave them to me with the greatest confidence. No. 14, on the South lead, washed 1200 ounces out of sixty loads. Another, what they call the Black Claim, next to the lagoon—in only cutting out, washed several buckets of gold, and a few ounces of silver. The result of the gold is, I suppose, about 100 ounces of gold, and 10 ounces of silver. The yield is enormous, varying from four to fifteen ounces to the load of earth.

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going to her found it to be true; Dr. Day was then sent for, and advised her removal to the hospital; he left her several times, and always came back drunk. Dr. Day had been following her, and was in attendance upon her late Mary Sedgewick professionally; the injuries she received by burning were very severe, and sufficient for death, but a considerable portion of the scalp was denuded by the burns, very deep seated, and extensive destruction of the integuments, over the left temple region. The immediate cause of death was exhaustion of the lungs, the result of the above-named injuries by burning. Verdict—"Death was caused by falling accidentally into the fire whilst in a state of intoxication."

ACCIDENT.—An accident occurred the other day, which might have resulted in a more serious manner than it fortunately did. It will be remembered that the late Mr. John Hannabus, of Newcastle, was having in the meantime caused a deep ditch to be dug across the road, the more effectively to stay traffic over it. The accident alluded to happened to a farmer named John Guillem, who was driving a load of straw along the road, when he was struck by the wheel of the cart, and the horse was killed. The driver was severely injured, and the horse was killed. The driver was severely injured, and the horse was killed.

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the support of a large portion of the inhabitants of Cape Town. The colonial Parliament will meet on the 24th April, for the despatch of business. There are several matters of public interest to be discussed; amongst these we may mention, repatriation, immigration, and irrigation. It is to be hoped that the Eastern members will not be so shy of being allowed the separation question to push other and more important matters aside, or rather that they will not allow the failure of their pet scheme to form an excuse for neglecting everything that is for the general interest of the community. The question on providing for the future emigration is of too much importance to be shelved. To talk about emigration not being wanted in a country where hundreds of farms and thousands of acres of rich and productive land are only half-cultivated appears to us to be a strange matter. The irrigation question must come before Parliament this session. It is now really a matter of great moment that no attempt should be made to husband that great natural success—water. In winter the mountain rivers feed the rivers till the latter inundate the country to a great extent; in summer the beds of these same rivers are dry for months together. With the judicious outlay of a few thousands of pounds, a well organised system of reservoirs might be constructed so as to keep farms supplied throughout a long drought, and it is to be hoped that the farmers will see the supreme folly of standing with their hands in their pockets and seeing their horses and cattle die around them for want of making ordinary precautions.

A letter from Smithfield (Free State) of the 17th March says: On Friday last, Mr. Daniel Foley, who is at present in charge of the police in this district, heard that a party of Bushmen were committing depredations within the hours of Smithfield. He therefore started on Saturday morning with a party of San Antonio's men, with the intention of looking them up. Having arrived at the foot of a mountain, in the neighbourhood of Gutterau Vosses, he saw six or seven of his men dismount and take up their positions, with the intention of shooting some of the Bushmen, leaving their horses without protection. It appears that the party were very much surprised at the behaviour of the Bushmen, who were standing on the side of the mountain, and were not at all alarmed at the sight of the party. The Bushmen were then ordered to dismount, and the party were then ordered to dismount, and the party were then ordered to dismount.

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